(3)

1F 100/-

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 341 OF 2003

PETITIONER : Rakesh Soni, son of Shri Ram Kumar Soni, aged about 35 years, Occupation-Teacher, resident of near Sheetla Mata Mandir, Sonarpara, Ward No.22, Tehsil and District-Rajnandgaon, (C.G.)

V E R S U S

RESPONDENTS :1. State Bank of India, through Branch Manager, Main Branch Kamthi Line, Rajnandgaon, (C.G.)

:2. Sunil Kumar Bhansali, son of Vishram Bhai, aged about 28 years, Trimurti India Ltd., 4/5, Janta Quarters, Lakholi, Rajnandgaon, (C.G.)

:3. Bhanji Bhai Katariya, son of Vishram Bhai, aged about 35 years, through Mayuri Investment Corporation, near Gitanjali Hotel, Station Road, District-Raipur, (C.G.)

:4. Deputy Registrar, Office of Registrar, Rajnandgaon, (C.G.)

P.R. No. - 3683/03
Presented by Shri Ajinkya Keshkamkar
dated 29.9.03

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

1. PARTICULARS OF THE PETITIONER :

(69)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

W.P. No. 3411/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | **03.12.2003**<br>Smt. Indira Tripathi, counsel for the petitioner.<br>Heard.<br>By this petition under Article 226/227 of Constitution of India the petitioner has challenged the order dated 10.09.2003 passed by the learned District Judge, Rajnandgaon in Execution Case No. 5-B/2002 by which the learned District Judge, Rajnandgaon has not accepted the highest bid of the petitioner on the ground that the amount of the highest bid is not sufficient and not according to the market price, therefore, it is not justified to confirm the sale.<br>The petitioner herein is an auction purchaser of the plot bearing Khasra No.453/1 situated at Bhavani Nagar, Patwari Halka No.36 District Rajnandgaon in the size of 0.06½ decimal. The said plot was auctioned in the Execution Case No.5-B/2002 for satisfaction of the decree passed in favour of the State Bank of India, Rajnandgaon and the plot in question was put to auction after issuing public notice and at the auction the highest bid of Rs.81,100/-was of the petitioner. The papers were submitted before the learned District Judge, Rajnandgaon for confirmation of the sale and the learned District Judge after going through the guidelines issued for the registration of the plot in that area reached to the conclusion that the price is much less than the price reserved for that area, therefore, he was not satisfied with the auction amount being not sufficient amount for sale of that property.<br>Learned counsel for the petitioner argued that the learned District Judge, Rajnandgaon ought to have confirmed the sale as | |

[पीछे देखें

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 3411/03

**मामला क्रमांक** ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश — 2 — | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश |
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the petitioner bid was the highest bid. She further argued that in that area the price of the land is not that much high and the plot was fetching sufficient price and the learned District Judge, Rajnandgaon ought to have confirmed the same.

I have perused the impugned order in which the learned District Judge, Rajnandgaon has mentioned that as per the guidelines of the Sub-Registrar for sale of the land in that area is Rs.176/- per square meter and the area of the plot which was auctioned in the sale is about 3500 sq. ft. and the highest auction price was Rs.81,100/-, therefore, the District Judge reached to the conclusion that this is not the sufficient price of the plot and the sale was not confirmed by the District Judge. In the auction sale it is for the executing court to assess the price of the property in question to its satisfaction after going into the relevant record and prevailing price in that area. Learned counsel for the petitioner has not been able to point out that the discretion exercised by the District Judge is in any way arbitrary, unreasonable, unjust and he has acted beyond his jurisdiction or has failed to exercise jurisdiction which is vested in him.

Therefore, I am of the opinion that the petitioner has not been able to make out a case to interfere with the order of the learned District Judge, Rajnandgaon. This writ petition is devoid of any substance, which is liable to be dismissed and accordingly, it is dismissed.

Consequently, M.W.P. 3104/03 and I.A. No.9873/2003 for urgent hearing also stands disposed of.

Sd/-
L.C.BHADOO
Judge

Roshan.